REMARKS

Rejection of Claims under 35 U.S.C. 112, second paragraph

The Examiner rejected Claims 10 and 11, stating that they were indefinite because Genbank accession numbers do not necessarily remain constant.

A Substitute Sequence Listing is being submitted concurrently with this Amendment, in order to incorporate the sequences from the referenced Genbank accession numbers. Thus, the Sequence Listing to include the sequences for Genbank accession numbers L42893 and U08284 as SEQ ID NOs 85 and 86, respectively. Claims 10 and 11 have been amended accordingly, and the Specification has been similarly amended to refer to SEQ ID Nos 85 and 86.

For the record, Applicants' Attorney notes that these two Genbank accession numbers have remained constant to date, since before the present application's priority date of June 18,1999. The record for Genbank accession number L42893 was last revised on November 29, 1996, and the record for Genbank accession number U08284 was last revised on September 15, 1994. Attached for the Examiner's reference are Exhibits A and B which detail the revision history for each accession number. In view of these considerations, it is appropriate to incorporate the sequences into the Sequence Listing.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Neen M. Luyle Ros. No. 36, 36/for Elizabeth W. Mata

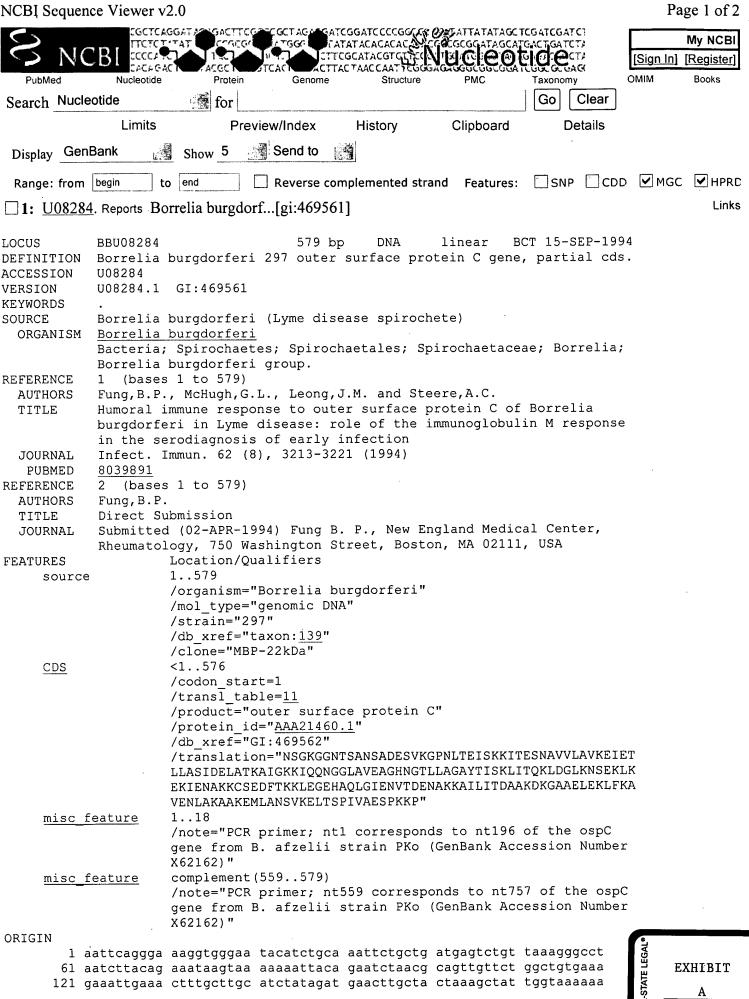
Registration No. 38,236

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: September 25,2005



61 aatottacag aaataagtaa aaaaattaca gaatotaacg cagttgttot ggctgtgaaa

121 gaaattgaaa ctttgcttgc atctatagat gaacttgcta ctaaagctat tggtaaaaaa

EXHIBIT

```
181 atacaacaaa atggtggttt agctgtcgaa gcggggcata atggaacatt gttagcaggt 241 gcttatacaa tatcaaaact aataacacaa aaattagatg gattgaaaaa ttcagaaaaa 301 ttaaaggaaa aaattgaaaa tgctaagaaa tgttctgaag attttactaa aaaactagaa 361 ggagaacatg cgcaacttgg aattgaaaat gttactgatg agaatgcaaa aaaagctatt 421 ttaataacag atgcagctaa agataagggc gctgcagagc ttgaaaagct atttaaagca 481 gtagaaaact tggcaaaagc agctaaagag atgcttgcta attcagttaa agagcttaca 541 agtcctattg tggcagaaag tccaaaaaaa ccttaataa
```

<u>Disclaimer | Write to the Help Desk</u> <u>NCBI | NLM | NIH</u>

Sep 7 2005 14:33:13

11



Disclaimer | Write to the Help Desk NCBI | NLM | NIH

Sep-7 2005 14:33:13